

## Exhibit B

March 24, 2017

**Via Email: [kreeg@goldbergsegalla.com](mailto:kreeg@goldbergsegalla.com)**

Kurtis B. Reeg, Esq.  
Goldberg Segalla  
8000 Maryland Avenue / Suite 640  
St. Louis, Missouri 63105-3752

Re:    DeYoung Family Zoo et al. v. PETA et al., Case No. 2:16-cv-282

Dear Kurt:

As you know, on October 28, 2016, PETA and Marti McDowell provided notice of their intent to file suit under the Endangered Species Act (ESA) against Harold DeYoung and DeYoung Family Zoo (collectively, “DeYoung”) in sixty days. The notice letter described apparent ESA violations on the part of DeYoung with respect to chimpanzees Louie and Tommy, including a detailed explanation of how DeYoung was committing unlawful “takes” of Louie and Tommy by holding each in isolation from other chimpanzees. The ESA requires that notice be provided in advance of a citizen suit, so that an alleged violator can come into compliance with the ESA and resolve the dispute without litigation. *E.g., Klamath-Siskiyou Wildlands Ctr. v. MacWhorter*, 797 F.3d 645, 650 (9th Cir. 2015).

On December 27, 2016, DeYoung filed the above-captioned case. After PETA and Mrs. McDowell sent their notice letter, but before DeYoung filed this case, PETA learned that DeYoung had acquired additional chimpanzees—apparently as a result of the notice letter. Since December 20, 2016, PETA and Mrs. McDowell, through counsel, have made multiple, good-faith efforts to obtain information from DeYoung about the acquisition of these additional chimpanzees, as the changed circumstances may obviate any need for an ESA suit. Indeed, you acknowledged on a February 9, 2017 telephone call that DeYoung had made material changes following receipt of the notice letter, and that those changes were made, at least in part, because of PETA’s and Mrs. McDowell’s allegations. However, DeYoung has failed to provide any further information or documentation about the changes it has made in response to the notice letter.

In light of your assertion of changed circumstances and the possibility that DeYoung may have addressed ESA violations alleged in the notice letter, there may no longer be a case or controversy ripe for judicial determination, and, accordingly, PETA and Mrs. McDowell are

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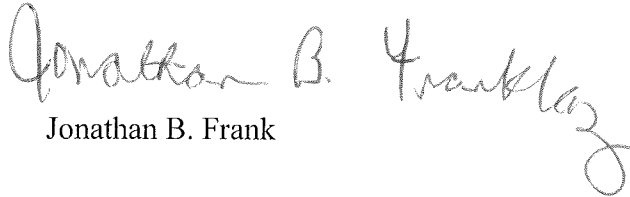
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withdrawing the notice letter, which means that that no citizen suit can be filed on the basis of that notice letter.

PETA and Mrs. McDowell still await receipt from you of information on the conditions in which the chimpanzees at the facility are held, a dialogue that would be mutually beneficial to our clients. If, despite the withdrawal of the notice letter, DeYoung files an amended complaint in this now unripe litigation, PETA and Mrs. McDowell believe that there would be no legal or factual basis for the claims.

Sincerely yours,

MADDIN, HAUSER, ROTH & HELLER, P.C.

A handwritten signature in cursive script that reads "Jonathan B. Frank". The signature is written in dark ink and is positioned above the printed name.

Jonathan B. Frank

JBF/az